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special agreement will be made by the President of the Republic with the consent of the National Congress, and with respect to the Chinese Empire, by the Emperor in such form and under such conditions as he shall deem necessary or convenient.

### ARTICLE III.

The present Convention shall remain in force for the period of five years from the date of the exchange of ratifications. If it is not denounced six months before the expiration of this period it will continue to remain in force for a new period of five years and so successively.

### ARTICLE IV.

The present Convention will be ratified after the legal formalities in the two countries have been observed, and the ratifications will be exchanged at Rio de Janeiro as soon as possible.

The present convention is drawn up in the Portuguese, Chinese and French languages. Four copies have been prepared. In case of disagreement, the French text alone shall be authoritative.

In testimony whereof we, the above-named plenipotentiaries, have signed the present convention and affixed our seals thereto.

Done at Peking the third of August, one thousand nine hundred and nine, corresponding to the eighteenth day of the sixth moon of the first year of Hsüan Tung.

(Signed)      M. C. GONCALVES PEREIRA.  
LIEN FANG.

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### TREATY BETWEEN THE UNITED STATES OF BRAZIL AND THE ORIENTAL REPUBLIC OF URUGUAY, MODIFYING THEIR FRONTIERS ON LAKE MERIM AND THE JAGUARÃO RIVER AND ESTABLISHING GENERAL PRINCIPLES FOR COMMERCE AND NAVIGATION IN THOSE PLACES.

The Republic of the United States of Brazil and the Oriental Republic of Uruguay, with a view to render closer and closer their ancient friendship and to develop the relations of commerce and neighborliness between the two peoples, have resolved, upon the initiative of the Brazilian Government, to revise and modify the stipulations relative to the frontier

lines on Lake Merim and the Jaguarão River, and also, as proposed by the Oriental Government since December, 1851, those relative to the navigation on said lake and river, the stipulations mentioned being contained in the Boundary Treaty of October 12, 1851, in that of May 15, 1852, and in the Agreement of April 22, 1853, the first signed at the city of Rio de Janeiro and the other two at the city of Montevideo;

And for this purpose have appointed Plenipotentiaries, to-wit:

The President of the Republic of the United States of Brazil, Doctor José Maria da Silva Paranhos do Rio Branco, its Minister of State for Foreign Relations; and

The President of the Oriental Republic of Uruguay, Mr. Rufino T. Dominguez, its Envoy Extraordinary and Minister Plenipotentiary to Brazil;

Who, after exchanging their full powers, which were found in good and proper form, have agreed on the following articles:

#### ARTICLE I.

The Republic of the United States of Brazil cedes to the Oriental Republic of Uruguay:

1. From the mouth of the stream San Miguel up to the Jaguarão River, the part of Lake Merim included between its western shore and the new frontier which is to cross longitudinally the waters of the lake according to Article III of the present treaty;

2. On the river Jaguarão, the part of the river territory included between the right, or southern, bank and the dividing line hereinafter determined, in Article IV.

#### ARTICLE II.

The cession of the rights of sovereignty of Brazil, based in the beginning upon the possession she acquired and has maintained, since 1801, of the waters and navigation of Lake Merim and the Jaguarão River, and, afterward, established and confirmed solemnly in the pacts of 1851, 1852 and 1853, is made subject to the following conditions, which the Oriental Republic of Uruguay accepts:

1. Except in case of a subsequent agreement, Brazilian and Oriental vessels may navigate and engage in commerce in the waters of the Jaguarão River and Lake Merim as is hereinafter, in other articles, declared.

2. The Oriental Republic of Uruguay shall maintain and respect, in accordance with the principles of the Civil Law, property rights acquired by Brazilians or foreigners in the islands and islets which as an effect of the new determination of frontiers shall cease to belong to Brazil.

3. Neither of the High Contracting Parties shall establish forts or batteries on the banks of the lake, on those of the Jaguarão River, nor on **any** of the islands which belong to them in these waters.

#### ARTICLE III.

Beginning at the mouth of the stream San Miguel, where the Quarto Marco Grande is situated, placed there by the Mixed Demarcation Commission of 1853, the new frontier shall cross lengthwise Lake Merim as far up as the point Rabotieso, on the Uruguayan shore, along a broken line, marked by as many straight courses as may be necessary to maintain the equal distance between the principal points of the two shores.

From the latitude of the said point, Rabotieso, the dividing line shall incline to the northwest so far as may be necessary to pass between the islands called of the Taquary, leaving on the Brazilian side the most eastern island and those of the islets which are next to it; and thence it will continue until it reaches, in the neighborhood of the point Parobé, also situated on the Uruguayan shore, the deepest channel, continuing along it until opposite the point Muniz, on the Uruguayan shore, and the point of the Latins, or of Fanfa, on the Brazilian shore.

From this intermediate point, and passing between the point Muniz and the Brazilian island of Juncal, it shall extend to the mouth of the Jaguarão, wherein are situated, on the left, or Brazilian, bank, the Quinto Marco Grande of 1853, and on the right, or Uruguayan, bank, the intermediate Sexto Marco.

#### ARTICLE IV.

From the mouth of the Jaguarão the frontier shall ascend by the *thalweg* of that river up to the confluence of the stream Lagoões, on the right bank.

From this point upwards the dividing line shall follow the mid-distance between the banks of the Jaguarão, thereafter, the mid-distance between the banks of the Jaguarão Chico, or Guabijú, at whose confluence is the Sexto Marco Grande, of 1853, and, finally, it shall ascend by the bed of the stream of the Mina, marked by the Setimo and Oitavo Marcos (intermediate).

## ARTICLE V.

A Mixed Commission, appointed by the two Governments within the term of one year after the exchange of ratifications of the present treaty, shall prepare the plan of the part of Lake Merim which extends to the south of the point, Juncal, and also the plan of the Jaguarão River from its mouth to that of the stream Lagoões, making the necessary soundings, beside the topographical and geodetical operations indispensable for the determination of the new frontier and buoying it off in the lake according to the most convenient methods.

## ARTICLE VI.

The navigation of the Lake Merim and the Jaguarão River is free to the merchant ships of the two nations: and for the Uruguayans the transit, also, is free between the ocean and Lake Merim, through the Brazilian waters of the river San Gonçalo, the lagoon dos Patos and the bar of the Rio Grande de São Pedro, Brazilian and Uruguayan ships remaining subject, in the jurisdictional waters of each republic, to the fiscal and police regulations which they may or shall have established and the Uruguayan ships in transit being subject to the same taxes as the Brazilian. Merchant ships engaged in this navigation may only while in the other country communicate with the land, save in the case of *vis major* or special permission, in those places in which there are customs posts or fiscal or police stations.

## ARTICLE VII.

It is understood and declared that in the freedom of navigation for commerce between the two countries is not included the transportation of merchandise from port to port of the same country or coastwise trade, which shall continue in each of the two states subject to their respective laws.

## ARTICLE VIII.

Within the term of six months from the exchange of the ratifications of the present treaty, each one of the High Contracting Parties shall communicate to the other the port or ports qualified or proposed to be qualified for commerce on the Jaguarão River or Lake Merim; and when thereafter it is decided to qualify one or more others it shall give the other party six months notice of the fact, with a view to the adoption of suitable measures to prevent contraband.

## ARTICLE IX.

Uruguayan ships of war may voyage freely in Brazilian waters between the ocean and Lake Merim, and navigate, like the Brazilian, on the Jaguarão River or in the said lake, or may station themselves in their waters.

Except under extraordinary circumstances of which previous notice shall be given by one to the other, the High Contracting Parties obligate themselves not to maintain in Lake Merim and its affluents more than three small vessels of war, or armed as for war, the size, battery and crew of the same being a matter for special adjustment.

## ARTICLE X.

The two river states, with a view to facilitating navigation on Lake Merim, undertake to maintain there the buoys and signals which may be necessary in the part pertaining to each.

## ARTICLE XI.

The High Contracting Parties will conclude in the shortest term possible a Treaty of Commerce and Navigation based on the most liberal principles, having in view the protection in the most efficacious way licit commerce over the fluvial and terrestrial frontiers.

The fiscal and police regulations, hereinabove mentioned, are to be as favorable as possible to navigation and commerce and so far as practicable to preserve uniformity in the two countries.

## ARTICLE XII.

The present treaty, through the necessary authorization of the legislative power of both countries, shall be ratified by the two Governments and the qualifications shall be exchanged at the city of Rio de Janeiro or the city of Montevideo as soon as possible.

In faith whereof, we, the above named Plenipotentiaries, sign the present treaty in duplicate, each in the Portuguese and Spanish languages, and hereunto affix our seals.

Done at the city of Rio de Janeiro on the 30th day of October one thousand nine hundred and nine.

(L. S.) RIO BRANCO.

(L. S.) RUFINO T. DOMINGUEZ.